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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,816

06/26/2003

Sundararajan Sriram

TI-28564A

5491

23494 7590 07/14/2008  
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EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

07/14/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/606,816	<b>Applicant(s)</b> SRIRAM, SUNDARARAJAN	
	<b>Examiner</b> FRED A. CASCA	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on March, 19, 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on March 19, 2008. Claims 1-5 and 13-17 are still pending in the present application. **This Action is made FINAL.**

2. Applicant's amendments to independent claims 1 and 13 overcomes the rejection of claims 1-5 and 13-17 under 35 U.S.C. 112, first paragraph, therefore, the rejection of claims 1-5 and 13-17 under 35 U.S.C. 112, first paragraph is withdrawn. However, claims 1-5 and 13-17 are rejected in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1-5 and 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 1 and 13 were amended to recite the limitation "receiving respectively each of a primary, a secondary and a tertiary synchronization code in parallel". Paragraph 6 of the instant application's specification recites "the FCS and SSC symbols

transmitted in parallel". In other words, the specification does not show that all the three synch codes are received in parallel. The phrase "each of a primary, a secondary and a tertiary synchronization code in parallel" added to claims 1 and 13 has not been described in the specification.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-5 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art (Applicant's Specification pages 1-5, particularly page 4, line 25 through page 5, line 8, hereinafter "Admitted Art") in view of Nystrom et al (US 6,185,244 B1) and further in view of Terasawa (US 6,385,264 B1).

Referring to claim 1, Admitted Art discloses a cell search method for wideband code division multiple access (WCDMA) communication system (Specification page 1 and figures Fig. 1-3C), comprising the steps of receiving a frame of data having a predetermined number of time slots, each time slot being adjacent to another time slot (Specification page 3); receiving a plurality of data symbols in each respective time slot (page 2 and 3);

and receiving respectively each of a primary, a secondary and a tertiary synchronization code over respective channels (page 4, line 24 through page 5, line 8, “The TSC is transmitted on a third perch channel at the same symbol time as the FSC and SSC . . . The TSC, however, is transmitted only on eight even numbered time slots [0, 2, 4, . . . , 14] of each frame”).

Admitted Art does not specifically disclose and receiving synchronization code over respective adjacent channels during a first symbol time in each of predetermined number of time slots.

Nystrom discloses that receiving synchronization code (e.g., primary, secondary) in each of predetermined number of time slots (Figures 16-22, col. 12, line 8-67, and col. 13, lines 1-25, note that in each slot a primary synch code and a secondary synch code are transmitted. Further note that the concept of transmitting synch codes during a first symbol time is inherent in Nystrom because during any secure data transmission, synch codes should be the first set of data transmitted and as soon as possible, thus it is inherent that synch codes are transmitted during a first symbol time). An advantage of providing each synch code in each time slot during a first symbol time is better security because receiving synch codes during a second or later symbol time could be a little too late and may cause some problems.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Admitted Art by incorporating the teachings of Nystrom and

consequently allowing all the three synchronization codes be transmitted during a first symbol time in each slot, as claimed, for the purpose of providing a securer communication system.

The combination of Admitted Art and Nystrom does not specifically disclose each of the synchronization codes are received in parallel in the format claimed.

Terasawa discloses primary and secondary synchronization codes are transmitted and thus received in parallel (Figures 1-3 and col. 2, lines 1-14, “secondary synchronization codes, transmitted in parallel with the primary synchronization code at the beginning of each slot”).

It would have been obvious to one of the ordinary skills in the art at the time of invention to modify the combination in the format claimed by applicant, for the purpose of providing an efficient communication system.

Referring to claim 2, the combinations of Admitted Art, Nystrom and Terasawa disclose a method as in claim 1, and further disclose the secondary and the tertiary synchronization codes identify a subset of codes (Admitted Art page 2 and figures 1-3C).

Referring to claim 3, the combinations of Admitted Art, Nystrom and Terasawa disclose a method as in claim 2, and inherently disclose the secondary and tertiary synchronization codes are formed from a predetermined order of synchronization code elements, the predetermined order corresponding to the subset of codes (pages 2-5).

Referring to claim 4, the combination of Admitted Art, Nystrom and Terasawa disclose every element of claim and inherently disclose the secondary and tertiary synchronization codes are formed from a predetermined order of common synchronization code elements (Admitted Art, pages 2-5).

Referring to claim 5, the combination of Admitted Art, Nystrom and Terasawa disclose all elements of claim 1, and inherently disclose a mobile receiver identifies a first time slot of the frame by the tertiary synchronization code (Admitted Art, pages 2-5, note that each timeslot including the first timeslot has a tertiary synch code, thus each first, second and other time slots are identified by the tertiary synch codes).

Referring to claims 13-17, claims 13-17 define a method reciting features analogous to the features of claim 1-5 (as rejected above). Thus, the combinations of Admitted Art, Nystrom and Terasawa disclose all elements of claims 13-17 (please see the rejection of claim 1-5 above).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-5 and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617